CLAUSES 2 to 4

Mr. SPEAKER.—The question is :

" That clauses 2 to 4 both inclusive stand part of the Bill ".

The motion was adopted.

Clauses 2 to 4 both inclusive were added to the Bill.

CLAUSES 1, ETC.

Mr. SPEAKER.—The question is ;

" That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri B. RACHAIAH.—Sir, I beg to move :

"That the Mysore Village Offices Abolition (Amendment) Bill, 1967 be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Village Offices Abolition (Amendment) Bill, 1967 be passed."

The motion was adopted.

MYSORE LAND REFORMS (SECOND AMENDMENT) BILL, 1967.

Motion to consider

Sri B. RACHAIAH.—Sir, I beg to move :

"That the Mysore Land Reforms (Second Amendment) Bill, 1967 be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Land Reforms (Second Amendment) Bill, 1967, be taken into consideration."

† Sri S. H. SHETTAR.—Sir, I raise a point of order. I may bring to your kind notice Act No. XIII of 1955 of Mysore which repeals sections 31-A, 31-B and 31-C of the Bombay Act, I may be permitted to read section 120 of the S. R. Act. Section 120 reads :

" The power to adopt laws for the purpose of facilitating application of any law in relation to any State formed or territorially

(SRI S. H. SHETTAR)

altered by the provisions of Part II may before the expiration of one year from the appointed date by order make such adoptions and modifications of the law whether by way of repeal or amendment as may be necessary or expedient and thereupon every such law shall have the effect subject to the adoption and modification made until altered, repealed or amended by competent Legislature or other competent authority."

I submit that our Mysore Legislature was pleased to repeal the sections 31-A, 31-B and 31-C and now what is sought to be done is to introduce the same sections in clause 5 of this Bill.

MR. SPEAKER.—What is the point of order ?

SRI S. H. SHETTAR.—My point of order is that the provisions that are sought to be introduced in clause 5 are incongruous.

These three sections should not be adopted at this stage. At the most they could be inserted as our own creation. Here, the section purports to adopt those sections which are legislated by the Bombay Legislature. That could be done under section 120 of the S. R. Act only within one year. On the contrary, it is my submission that the Legislature has repealed these three sections. At no stage it could be adopted. That fallacy enters to such an extent that it cuts at the very root. That is the first aspect of the Point of Order. The second aspect of the Point of Order is that an invalid act could be validated by the act of a Legislature. But, whether a valid act or decision of a Court of Law—so many decisions have come—could be made invalid by the act of the Legislature would be another question to be considered. How far the Legislature could interfere with the judgements that are already delivered ? I can understand if a certain invalid act, certain lacuna could be filled by passing an Act. But, whether judgements could be taken away, the facts of judgements could be taken away has to be considered. There are many judgements, which are likely to be implemented. Under the circumstances, whether the introduction of this Bill, as pointed out by my friend, could be enterained is my point.

4-30 P.M.

MR. SPEAKER.—A point of Order is raised by ths Hon'ble Member, Sri Shettar. He urged that the proposed provisions in clause 2 practically want to reinstate clauses which have been deleted under a prior amending Bill or adoption of certain Act based on the provisions of Section 120 of the States Reorganisation Act His further contention was that some orders have been passed on the basis of that and the provisions now made interfere with the decisions that have been passed by the Court. Neither of these can ever be brought under the scope of a Point of Order. The

merits, demerits or partial merit in the argument, ultimately comprised in the word used by the Hon'ble member as 'fallacy', has nothing to do with a Point of Order.

Even apart from this aspect, what is now sought to be done is perhaps in view of certain reasoning that has prevailed in one or two cases; the position is sought to be remedied. That is why the provisions are now going to be made to have retrospective effect as if the previous amending Bill has not been passed. This does not at all mean that there is anything wrong, much less to be raised by way of a Point of Order. If the fallacy is observed very clearly and understood, there is no fallacy, because the amending Bills trying to restore certain positions or set right certain irregularities discovered, will always have a retrospective effect, if the provisions so provide. Giving retrospective effect is always impinging upon certain decisions that come in the meanwhile. I don't think it has ever been contended that the power of a Legislature is going to be impaired by adjudication between two parties. Whether that legislation will be valid, invalid, modified to be approached from different aspects, it can never be that a Bill cannot be entertained by a House. On the other hand, retrospective effect in a number of cases has provided that it is to be so, as if it does exist from a date anterior to the pronouncement of Courts. This in effect sets at nought. Otherwise, the normal effect, that is why exactly it is said to have a retrospective effect. Anyway, the powers of a Legislature to pass legislations are not controlled and conditioned by adjudication between two parties and that too in a Court of a Civil nature and for the matter of that perhaps a Court of any other nature whatsoever. I don't think I can uphold the Point of Order.

Sri M. NAGAPPA.—I only oppose the clause 5 of this amending Bill. On the other hand I welcome all other clauses The Deputy Speaker has given a ruling that it may not be a point of order when a point of order was raised. What I am telling is the constitutional law that is coming in the way. I will read the clause which is very important in this respect:

> " (1) Any certificate issued by a Land Tribunal or a Munsiff exercising the powers and performing the duties and functions of a Land Tribunal in the Bombay area, prior to the coming into force of this Act, in respect of any statement filed under Section 14 of the principal Act, without regard to the provisions of Sections 31A, 31B and 31C of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act LXVII of 1948) on the ground that those sections were not in force on 1st November 1956, shall not have effect and such statement shall be deemed to be pending and shall be disposed of by such Tribunal or Munsiff in accordance with the provisions of the principal Act as amended by this Act.".

(SRI M. NAGAPPA)

Sri, definitely we would have welcomed this provisions provided only if retrospective operation would have been given to the provisions. There are decisions of the Courts in this respect. So far as the power of the Legislature is concerned, if any Legislation has been invalidated by any Court that can be validated by amending certain law or interpreting certain provisions in certain Acts. Supposing any order that has been passed by the Court and that order is passed on the legal provisions of the Act, the point is whether that provision can be amended and given retrospective operation and even the orders passed by the courts can be made infuctuous. Here the order thathas been passed under Section 16, by interpreting that section 10B of sub-section are not illegal or inoperatative or without jurisdiction. These are the findings of the Courts and Tribunals. But simply they have given the benefit of the section. In this respect some of the views of the Supreme Court are there, for guidance which invalidated certain provisions and the same were validated by the provisions, by the Legislature in a different way. If anything is done validly, that cannot be invalidated by the Acts of this Legislature. This amounts to invalidation of the court orders that have been rightly passed by the Courts.

MR. SPEAKER.—Invalidation is something different. I want to know whether this is within the competence or beyond the competence of the Legislature. On which Article the arguments are based, the member may kindly mention ?

SRI M. NAGAPPA.—Under Articles 13, 14 and 246 of the Constitution. I submit this Legislature has no power to legislate things which have been declared as invalid by the Courts. Therefore the provisions under Section 16 (10B) are valid and any orders passed by the Courts or Tribunals as per Law cannot be invalidated by a piece of Legislation being enacted by this august House. I submit whatever retrospective effect that is being given is not within the competency of the Legislature. I therefore, submit this clause 5 should be removed from the Bill, so that we can give a retrospective effect to the cases pending but not to the cases disposed of. I welcome the other clauses of the Bill.

† SRI S. R. BOMMAI (Kundgol).—Sir, this amending Bill gives rights to the tenants and at the same time snatches the valuable rights that have been given to them. Particularly Sir, I have referred to clause 3 of the Amending Bill. Clause 3 of the Amending Bill reads as follows:

> "In sub-section (1) of Section 108 of the principal Act, for the word and figure 'section 10', the word and figures 'sections 6, 10' shall be substituted and shall be deemed always to have been substituted."

In section 118, a valuable right is given under section 8 of the Principal Act.

Mr. SPEAKER.—Would the member kindly bear in mind that the valuable right given by an Act of this legislature, is not beyond the competence of this Legislature to modify it? I am not concerned with the propriety. The judgement he has quoted has no application to the present case. Sri S. R. Bommai need not agree with Sri Nagappa.

Sri S. R. BOMMAI.—No, Sir. I am not speaking on that. There is a judgement of the Supreme Court. The Act was amended taking away the right. The position of law is quite clear. The legislature is competent to take away the right.

Mr. SPEAKER.—That is with regard to the competence of the Legislature.

Sri S. R. BOMMAI.—I am speaking of the other point. So far as clause (3) is concerned, there is a little mistake in the amendment itself.

So far as clause 5 is concerned, I welcome the clause because certain rights were given to Bombay area. 31A, B and C put certain restrictions on landlords' rights to resume land; a ceiling limit was put on that, *i.e.*, 48 acres and this ceiling limit is certainly advantageous to the tenant and when the new Land Reforms Act came into force, certain provisions of the Act, namely Section 13 and 57 were suspended and tenants did not get the benefit of the Act. Some of the courts interpreted that these sections were not in force and passed orders giving possession to the landlords exceeding the ceiling limit. Therefore, it is quite essential that valuable right given under the Bombay Act to the tenants is restored. It is a progressive clause which protects the right of tenants and as such I welcome it.

Mr. SPEAKER.—Now, Mr. Bommai says that the applications were rejected or accepted on the ground that certain provisions were not in existence; then it goes on a question of fact and not with regard to the competence of the Legislature. If an application was rejected, certificate will show that the application is rejected. If on the other hand, the certificate shows that it has been accepted, it means that. Regarding the case which Sri Nagappa sighted namely adjudication on the basis of a prior Act, it is not every kind of judgment that is conclusive and prevents further legislation. It depends upon the nature of adjudication. If it is held to be ultra vires on the ground that it contravenes the provisions of the articles of the Constitution which cannot be exceeded by any legislature or if the powers distributed under the 7th list are transgressed by any of the legislatures, it is a constitutional point. But whether a certain provision is wrongly placed or superseded or whether a certificate given is wrong is not a case which can be compared to the case which has been cited, where the Supreme Court held that it was beyond the competence of Parliament or any Legislature whatsoever, to go beyond the terms of the Constitution.

ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ.—ಸ್ವಾಮಿ, ಮಾನ್ಯ ಮುಂತ್ರಿಗಳು ತಂದಿರತಕ್ಕಂಥ 4ನೇ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ. ಕಾರಣ ಈ ಲ್ಯಾಂಡ್ ರೀಫಾರಂಸ್ ಆಕ್ಟ್ ಸೆಕ್ಷನ್ 8 ಸಬ್ ಸೆಕ್ಷನ್ (3) ಈ ಪ್ರಾವಿಷನ್‌ನಿಂದ ಬಾಂಬೆ ಕರ್ನಾಟಕದ ಏರಿಯಾದಲ್ಲಿ ಇರುವಂತೆ ರೈತರಿಗೆ ಒಂದು ದೊಡ್ಡ

(ಶ್ರೀ ಎಸ್. ಎಸ್. ಅರಕೇರಿ)

ತೊಂದರೆಯಾಗಿದೆ. The Mysore Land Reforms Act 1961 Section 8 (1)ರಲ್ಲಿ ಈ ರೀತಿ ಇದೆ. The rent payable by a tenant shall be paid annually and such rent shall not exceed one-fourth of the gross produce or its value in cash in the case of land possessing facilities for assured irrigation from a tank or a river channel--and one-fifth of the gross produce or its value in cash in the case of any other land; ಆದರೆ ಬಾಂಬೆ ಕರ್ನಾಟಕ ಏರಿಯಾದಲ್ಲಿ ಬಾಂಬೆ ಟೆನೆನ್ಸಿ ಅಗ್ರಿಕಲ್‌ಚರಲ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಕಂದಾಯದ 6 ಪಟ್ಟನ್ನು ರ್ಯಾಂಡ್ ರೆವಿನ್ಯೂಗೆ ಕೊಡಬೇಕು ಎಂದು ಪ್ರಾವಿಷನ್ ಇತ್ತು. ಅದರಿಂದ ರೈತರಿಗೆ ಅನುಕೂಲವಾಗಿತ್ತು. ಭೂಸುಧಾರಣೆ ಸೆಕ್ಷನ್‌ನಿಂದ ಸರಾಸರಿ ಎಕರೆಗೆ $\frac{1}{4}$ ಅಂಶವನ್ನು ಜಮೀನ್ದಾರರಿಗೆ ಕೊಡಬೇಕೆಂದು ಇದೆ. ಮತ್ತು ಒಂದು ಎಕರೆಗೆ ಇಂತಿಷ್ಟು ಯೀಲ್ಡ್ ಬರುತ್ತದೆ ಎಂದು ತಾಸೀಲ್ದಾರರು ನಿಗದಿ ಮಾಡಬೇಕು. ಸಬ್ ಸೆಕ್ಷನ್ 3, 8 ಹೇಳುತ್ತಿದ್ದೇನೆ. ಇದರಿಂದ ನಮ್ಮ ಭಾಗದಲ್ಲಿ ಇಡೀ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಎಷ್ಟು ಚೀಲ ಜೋಳ ಬೆಳೆ ಬರುತ್ತದೆ ಎಂದು ನಿಗದಿ ಮಾಡಿಕೊಂಡಿದ್ದರೆ ಆ ಬೆಳೆಯ 1/5 ಭಾಗ ರೈತರು ಜಮೀನ್ದಾರರಿಗೆ ಕೊಡಬೇಕು. 2-3 ಸಾವಿರ ಕೇಸುಗಳು ಕೋರ್ಟಿನಲ್ಲಿ ಇವೆ. ಹಳೆ ಬಾಂಬೆ ಟೆನೆನ್ಸಿ ಆಕ್ಟ್ ಪ್ರಕಾರ 150-200 ರೂಪಾಯಿ ಕೊಡುತ್ತಾ ಇದ್ದರೆ ಭೂಸುಧಾರಣೆಯ ಸಬ್ ಸೆಕ್ಷನ್ 8 (3) ರಲ್ಲಿ ಸುಮಾರು 2 ಸಾವಿರದಿಂದ 3 ಸಾವಿರ ತನಕ ಅಂದರೆ 13 ಪಟ್ಟನಷ್ಟು ಹಣ ಜಾಸ್ತಿ ಜಮೀನ್ದಾರರಿಗೆ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ರೈತ ಜಮೀನು ಬಿಟ್ಟು ಹೋಗುವ ಪರಿಸ್ಥಿತಿ ನಿರ್ಮಾಣ ವಾಗಿದೆ. 118 (2) (ಎ)ಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಏನು ಅಮೆಂಡ್‌ಮೆಂಟ್ ತಂದಿದ್ದಾರೆ ಅದು ಸ್ವಾಗತಾರ್ಹ.

ಸೆಕ್ಷನ್ 8, ಸಬ್ ಸೆಕ್ಷನ್ 3, ಇದರ ಮೇಲೆ ಮೊದಲು ಅಪೀಲ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ವಿರಲಿಲ್ಲ. ಈಗ ತಿದ್ದುಪಡಿ ತಂದಿರುವುದರಿಂದ ಅಪೀಲು ಮಾಡಲು ಅವಕಾಶವನ್ನು ಕೊಡುವುದರಿಂದ ರೈತರಿಗೆ ಸ್ವಲ್ಪ ಉಸಿರಾಡುವಂಥ ಹಕ್ಕು ಬಂದಿದೆ. ಇದೇ ಸಬ್ ಸೆಕ್ಷನ್ ಪ್ರಕಾರವಾಗಿ ಒಂದು ಅರ್ಬಿಟ್ರರಿ ಹಕ್ಕನ್ನು ತಹಸೀಲ್ದಾರರಿಗೆ ಕೊಡಲಾಗಿದೆ. ಇದರಲ್ಲಿ ಪ್ರಿಸ್ಕ್ರೈಬ್ಡ್ ಅಥಾರಿಟಿ ಎಂದರೆ ತಹಸೀಲ್ದಾರರು ಒಂದು ಸಲ ಇಷ್ಟು ಬೆಳೆ ಇಂಥ ಜಮೀನಿನಲ್ಲಿ ಆಗುತ್ತದೆ ಎಂದು ನಿಗದಿ ಮಾಡಿದ ನಂತರ ಐದು ವರ್ಷಗಳವರೆಗೆ ಆತನಿಗೇ ಅದನ್ನು ರಿವೈಸ್ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಒಂದು ಎಕರೆಯಲ್ಲಿ ಐದು ಚೀಲ ಜೋಳ ಆಗುತ್ತದೆ ಎಂದು ಮಾಡುವಾಗ ಅದೇ ತಹಸೀಲ್ದಾರರು ಅಗ್ರಿಕಲ್ಚರಲ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟಿನವರು ಅಥವಾ ಟೆಕ್ನಿಕಲ್ ಅಧಿಕಾರಿಗಳನ್ನು ಕೇಳಿ ಅವರ ಸಲಹೆಯನ್ನು ಪಡೆಯದೆ ಒಂದು ಎಕರೆಗೆ 5 ಕ್ವಿಂಟಾಲ್ ಜೋಳದ ಉತ್ಪನ್ನ ಬರುತ್ತದೆ ಎಂದು ಅರ್ಬಿಟ್ರರಿ ಯಾಗಿ ಮಾಡಿದ್ದರಿಂದ ಇಂಡೀ ತಾಲ್ಲೂಕಿನ ಸಾವಿರಾರು ರೈತರಿಗೆ ತುಂಬ ಹಾನಿಯಾಗಿದೆ. ಅದರ ಸಲುವಾಗಿ ಭೂಸುಧಾರಣಾ ಕಾಯಿದೆಗೆ ಅಮೆಂಡಿಂಗ್ ಸೆಕ್ಷನ್ 118 (2*a*) ಸೇರಿಸಿರುವುದು ತುಂಬ ಅನುಕೂಲವಾಗಿದೆ. ಇದನ್ನು ಸ್ವಾಗತ ಮಾಡುತ್ತಾ ಪ್ರಿಸ್ಕ್ರೈಬ್ಡ್ ಅಥಾರಿಟಿ ಎಂದರೆ ತಹಸೀಲ್ದಾರರು ಉತ್ಪನ್ನವನ್ನು ನಿಗದಿ ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ತೆಗೆದು ಹಾಕಿದರೆ ತುಂಬ ಒಳ್ಳೆಯದಾಗುತ್ತಿತ್ತು, ರೈತರ ಕಲ್ಯಾಣವಾಗುತ್ತಿತ್ತು, ಅದನ್ನು ತೆಗೆದುಹಾಕಬೇಕು ಎಂದು ಸೂಚನೆಯನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ಕೊಟ್ಟು ಈ 118 (2*a*) ಎಂದು ತಂದಿರುವ ತಿದ್ದುಪಡಿಯನ್ನು ಸ್ವಾಗತಿಸುತ್ತೇನೆ.

5-00 P.M.

Sri V. N. PATIL (Humnabad).—Mr. Speaker, Sir, Sub Clause 2 of clause 5 deals with provisions regarding the landlords taking forcible possession of the land from the tenants which have been normally in the possession of the tanants. Generously a fine of Rs. 200 is proposed to be levied. I only submit here that this is an half-hearted approach or rather shedding crocodile tears over the troubles and harassment of the tenants at the hands of the landlords. The proposed fine of Rs. 200 is more an encourgement and on the other hand the landlord can freely harass the tenant and try to dispossess the tenants of the land which the tenant is keeping in his possession legally. Sub-clause (2) of clause 5 is

an indication of the mind of the ruling class. It clearly shows that there is no attempt to save and protect the tenants possession and there is an attempt on the part of the ruling class to see that the poor tenants are evicted or the landlord smoothly takes possession of the land by illegal methods or by harassing. Why I am suggesting this is, because there is actually a feeling among the tenants who are in possession of the land, that this land legislation has not been of any help to them. For the last fifteen years, what we have seen is, the protection of the tenant's right is rarely done, but on the other hand, the rights of the tenants are thrown to the winds and the landlord can inflict any amount of harassment on the tenants and the forces of law and order also will go to the support of the landlords. The example of this state of affairs has happened in Madhugiri and the harassment caused may probably excel even the atorcities committed by the barbarians and will put them to shame. The only request I would like to make to the Hon'ble Minister who is moving the Bill is, if at all there is any genuine desire to help the downtrodden and safeguard their interest, is to see that the Rigorous imprisonment of minimum one year and a fine to be levied on the landlord who commits such an unsocial act forcibly dispossess the tenants, is increased to Rs. 2,000. It may be deterrent punishment for those who are in the habit of taking the law into their own hands, do deserve such deterrent punishment in my opinion.

With this suggestion, I thank the Hon'ble Speaker for giving me an opportunity to express my views on the Bill.

† ಶ್ರೀ ಎಸ್. ಬಂಗಾರಪ್ಪ (ಸೊರಬ).—ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಸಚಿವರು ತಂದಿರ ತಕ್ಕ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯ ಬಗ್ಗೆ ಮಾತನಾಡುತ್ತ, ಭೂಸುಧಾರಣೆ ಕಾನೂನು ಬಗ್ಗೆ ಸರ್ಕಾರ ಕೈಗೊಂಡಿರುವ ಕಾರ್ಯಕ್ರಮ, ಅದರ ರೂಪುರೇಖೆ ಜನಗಳಿಗೆ ಈಗಾಗಲೇ ಗೊತ್ತಾಗಿದೆ, ಆದರೂ ಈ ಕೂಡ ಸಂದರ್ಭದಲ್ಲಿ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿರುವ ಕೆಲವಾರು ವಿಷಯಗಳ ಬಗ್ಗೆ ನನ್ನ ಒಪ್ಪಿಗೆಯನ್ನು ಕೊಡುತ್ತೇನೆ. ಆದರೆ ಇದರ ಜೊತೆಗೆ ಸರ್ಕಾರ ಇನ್ನೂ ಕೂಡ ಯೋಚನೆ ಮಾಡ ಬೇಕಾಗಿದೆ. ಭೂಸುಧಾರಣೆ ಕಾನೂನಿನಲ್ಲಿರುವ ನಿಯಮಗಳ ಪ್ರಕಾರ ಸೆಕ್ಷನ್ 8 ರಲ್ಲಿ ತಹಸೀರ್ದಾರರಿಗೆ ಒಂದು ಎಕರೆಗೆ ಎಷ್ಟು ಉತ್ಪನ್ನ ಬರುತ್ತದೆ ಎಂದು ನಿಗಧಿ ಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ಏನಾದರೂ ಅನ್ಯಾಯವಾಗತಕ್ಕ ಸಂದರ್ಭ ಬಂದೀತು ಎನ್ನುವ ದೃಷ್ಟಿಯಿಂದ ಜಿಲ್ಲೆಯ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರಿಗೆ ಅಪೀಲು ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿಕೊಟ್ಟಿರುವುದು ಸ್ವಾಗತಾರ್ಹವಾದ ವಿಷಯ.

ರೈತರಿಗೆ ಸಹಾಯ ಮಾಡಬೇಕೆಂಬ ಬುದ್ಧಿ ಸರ್ಕಾರಕ್ಕೆ ಇದ್ದುದೇ ಆದರೆ, ಸೆಕ್ಷನ್ 7ಕ್ಕೆ ಕೂಡ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತರಬೇಕಾಗಿತ್ತು. ಸೆಕ್ಷನ್ 7 ರಲ್ಲಿ ಏನು ಹೇಳುತ್ತಾರೆ ಎಂದರೆ, 10-9-1957 ಕ್ಕೆ ಮುಂಚೆ ಯಾರು ಆರು ವರ್ಷ ಬಿಡದೇ ಜಮೀನನ್ನು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದಾರೆ, ಆ ನಂತರ appointed day ವರೆಗೂ ಕೂಡ ಇಜ್ಜೀಗಲ್ ಆಗಿ ಅಥವಾ ಲೀಗಲ್ ಆಗಿ ರೈತರನ್ನು ಬಿಡಿಸಿದ್ದಾರೆ ಅಂಥವರು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಲು ಒಂದು ವರ್ಷ ಮಾತ್ರ ಅವಕಾಶ ಕೊಟ್ಟಿತ್ತು. ಅವನಿಗೆ ಹೆಚ್ಚು ಅವಕಾಶವನ್ನು ಕೊಡಲಿಲ್ಲ. ಗೇಣಿದಾರನಿಗೆ ಸಹಾಯ ಮಾಡಬೇಕು ಎನ್ನುವ ಬುದ್ಧಿ ಸರ್ಕಾರಕ್ಕೆ ಇದ್ದಿದ್ದರೆ, ಜಮೀನು ಮಾಲೀಕರಿಗೆ ಜಮೀನು ಬಿಡಿಸಿಕೊಳ್ಳಲು ಸೆಕ್ಷನ್ 14 ಮತ್ತು 16 ರ ಪ್ರಕಾರ ಇದ್ದ ಕಾಲಾವಧಿಯನ್ನು ಯಾವ ರೀತಿಯಾಗಿ ಬೇಕಾದಷ್ಟು ಸಾರಿ ಮುಂದುವರಿಸಿ ಕಾಲಾವಧಿಯನ್ನು ಹೆಚ್ಚಾಗಿ ಕೊಟ್ಟಿತ್ತು ಅದೇ ರೀತಿ ಸರ್ಕಾರ ಒಂದು ಆರ್ಡಿನೆನ್ಸ್ ಹೊರಡಿಸಿ ಅಥವಾ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದು ರೈತರಿಗೂ ಹೆಚ್ಚು ಕಾಲಾವಕಾಶವನ್ನು ಕೊಡಬೇಕಾಗಿತ್ತು. ಅಂಥ ಬುದ್ಧಿ ಸರ್ಕಾರಕ್ಕೆ ಬರಲಿಲ್ಲವಲ್ಲ ಎಂದು ಖೇದಪಡಬೇಕಾಗಿದೆ.

(ಶ್ರೀ ಎಸ್. ಬಂಗಾರಪ್ಪ)

ಭೂಸುಧಾರಣೆ ಮಸೂದೆಯ ಸಂಬಂಧದಲ್ಲಿ ಲ್ಯಾಂಡ್ ಟ್ರಿಬ್ಯೂನಲ್ಸ್ ಎಂದು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಇದನ್ನು ಬಹಳ ಕಾಲವಾದ ನಂತರ ಮಾಡಿದೆ, ಕಾನೂನಾದದ್ದು 1961 ರಲ್ಲಿ ಈಗ ಅದರ ಸೆಕ್ಷನ್‌ಗಳಿಗೆ ತಿದ್ದುಪಡಿಗಳನ್ನು ತರುತ್ತಿದ್ದಾರೆ. ಆ ಕಾನೂನು ಪ್ರಕಾರ ಇನ್ನೂ ಕೆಲಸವೇ ಪ್ರಾರಂಭವಾಗಿಲ್ಲ. ಸರ್ಕಾರದವರು ಟ್ರಿಬ್ಯೂನಲ್‌ಗಳನ್ನು ನೇಮಕ ಮಾಡುವುದಕ್ಕೆ ಹೈಕೋರ್ಟಿನವರು ಒಂದು ಪಟ್ಟಿಯನ್ನು ಕಳಿಸಿ, 30 ಟ್ರಿಬ್ಯೂನಲ್‌ಗಳು ಆಗಬೇಕೆಂದು ತಿಳಿಸಿದರೂ ಕೂಡ, ಅದಕ್ಕೆ ಎಷ್ಟು ಹಣ ಬೇಕಾಗುತ್ತದೆ ಎಂದು ತಿಳಿಸಿದರೂ ಕೂಡ ಅದು ಮಂತ್ರಿಗಳ ಮೇಜಿನ ಮೇಲೆಯೇ ಸಾಕಷ್ಟು ಕಾಲವಿದ್ದು, ಬಹಳ ತಡವಾಗಿ ಈ ಟ್ರಿಬ್ಯೂನಲ್‌ಗಳನ್ನು ರಚನೆ ಮಾಡಿದ್ದಾರೆ. ಒಂದು ವೇಳೆ ತಡವಾಗಿ ರಚನೆ ಮಾಡಿದ್ದರೂ ಚಿಂತೆ ಇಲ್ಲ, ಒಂದು ಪರಿಹಾರವನ್ನು ಗೇಣಿದಾರರಿಗೆ ಕೊಡಬೇಕಾಗಿತ್ತು. ಹೇಗೆಂದರೆ, ಯಾವಾಗಿನಿಂದ ಭೂಸುಧಾರಣೆ ಕಾನೂನು ಜಾರಿಗೆ ಬಂದಿದೆಯೋ ಆ ತಾರೀಖಿನಿಂದ ಜಮೀನ್ದಾರರಿಗೆ ಗೇಣಿಯನ್ನು ಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಮಾಡಿದ್ದರೆ ಟ್ರಿಬ್ಯೂನಲ್‌ಗಳನ್ನು ಮಾಡುವುದಕ್ಕೆ ಹೆತ್ತು ವರ್ಷ ನಿಧಾನ ಮಾಡಿದ್ದರೂ ಚಿಂತೆ ಇರಲಿಲ್ಲ. ಗೇಣಿಯನ್ನು ಜಮೀನ್ದಾರರ ಮಾಲೀಕರಿಗೆ ಕೊಡುತ್ತಾನೆಂದರೆ ಅದರ ಬಗ್ಗೆ ಜಮೀನ್ದಾರನು ಗೇಣಿದಾರನು ಗೇಣಿ ಸಂದ ರಸೀದಿಯನ್ನು ಕೊಡಲೇ ಬೇಕು ಎಂದು ಮಾಡಬೇಕಾಗಿತ್ತು. ಎರಡನೆಯದಾಗಿ ಲ್ಯಾಂಡ್‌ಲಾರ್ಡ್ ರಸೀದಿ ಕೊಟ್ಟು ಕೌಂಟರ್‌ಫಾಯಿಲ್ ಇಡುವ ಹಾಗೆ ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಭೂಸುಧಾರಣೆ ಕಾನೂನು ಮಾಡಿ ಎಷ್ಟೋ ದಿವಸಗಳಾದರೂ ಕೂಡ ಇನ್ನೂ ಜಾರಿಗೆ ಬಂದಿಲ್ಲ, ಆದರೆ ಇನ್ನೂ ಅದಕ್ಕೆ ಜೀವವಿರುವಂತೆ ಕಾಣುತ್ತಿದೆ. ಈಗ ಕಾನೂನಿನಿಂದ ಅಷ್ಟೊಂದು ಸಹಾಯವಾಗುವಂತೆ ಕಾಣುತ್ತಿಲ್ಲ. ಗೇಣಿದಾರರ ಕಷ್ಟ ಮತ್ತು ಅವರ ಸಮಸ್ಯೆಗಳನ್ನು ಅರಿತುಕೊಂಡು ಅದಕ್ಕೆ ಸರಕಾರ ಹೆಚ್ಚು ಗಮನ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುವಂತೆ ಏನಾದರೂ ಪರಿಹಾರ ಮಾರ್ಗವನ್ನು ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯಲ್ಲಿ ಅಳವಡಿಸಿದ್ದರೆ ಇದನ್ನು ಒಪ್ಪಬಹುದಾಗಿತ್ತು. ಗೇಣಿದಾರರ ಹಿತಕ್ಕೆ ಬೇಕಾದ್ದನ್ನು ಬಿಟ್ಟು ತಮಗೆ ಬೇಕಾದವರಿಗೆ ಸೌಲಭ್ಯವನ್ನೊದಗಿಸುವುದಕ್ಕೆ ಈ ತಿದ್ದುಪಡಿ ತರುತ್ತಿದ್ದಾರೆ. ಎರಡು ತಿದ್ದುಪಡಿಗಳನ್ನು ತಂದಾಗಲೂ ಕೂಡ ಸರಕಾರ ಸರಿಯಾದ ಅವಕಾಶಗಳನ್ನು ಕಲ್ಪಿಸಿರುವುದಿಲ್ಲ. ಭೂಸುಧಾರಣಾ ಕಾನೂನಿನಲ್ಲಿ ಗೇಣಿದಾರರಿಗೆ ಇರುವ ಅಧಿಕಾರವನ್ನು ಸರಿಯಾಗಿ ಅಳವಡಿಸಿಲ್ಲ. ಎಷ್ಟೇ ಕಾನೂನು ಮಾಡಿದ್ದರೂ ಕೂಡ ಗೇಣಿದಾರರ ಸಮಸ್ಯೆಯನ್ನು ಬಗೆಹರಿಸಲು, ಅವರಿಗೆ ಬೇಕಾದ ಸೌಲಭ್ಯಗಳನ್ನೊದಗಿಸಲು ಸಾಕಷ್ಟು ಪ್ರಯತ್ನ ಮಾಡಿಲ್ಲ. ಆದುದರಿಂದ ಈ ತಿದ್ದುಪಡಿಯ ಮಸೂದೆಯನ್ನು ಸ್ವಾಗತಿಸಲು ಇನ್ನೂ ಕೆಲವಾರು ವಿಷಯಗಳನ್ನು ಸೇರಿಸಬೇಕಾಗಿತ್ತು, ಇನ್ನೂ ಸರಕಾರದ ಬುದ್ಧಿ ಬೆಳೆಯಬೇಕು ಎಂದು ಹೇಳಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri A. R. PANCHAGAVI (Arabhavi).—Mr. Speaker Sir, I welcome the Amending Bill as it removes so many anomalies and especially the anomaly in Section 103 which gives exemption to leases obtained by commercial undertakings. No protection should have been given to leases of land granted for the benefit of industrial or commercial undertakings. It has so happened that in so many cases that even poor people who owned one acre and who leased it to these undertakings, were not permitted to resume their land after the expiry of the lease period as the industrial and commercial undertakings are not willing to give up the possession of those lands. This has resulted in the deprivation of the means of livelihood of poor people who entirely depended for their sustenance on their land. While implementing the Act, this lacuna was discovered and the present amending Bill rectifies it. In the original Act, in Section 103, protection under Section 6 of the Mysore Land Reforms Act, 1961, had been given and the present Bill seeks to set right the defect. This is a welcome feature. If that section is applied the tenancy that is already existing can continue even if the period of the agreement has expired. Naturally, after the expiry of the period of lease, the poor people who have leased their land should be entitled

to get their possesion. While giving effect to Section 103 (a) and while issuing a notification permitting these undertakings to continue the leases Government should take into consideration the plight of the poor people who depend for their livelihood mainly on land. If they do not resume lands from the tenants, the lessors will be deprived of their means of subsistence and means of livelihood. Before issuing such a notification, the people of that area and those who have leased those lands should be consulted. No such notification continuing the lease should be issued by the Government if those people want to take back the land for personal cultivation. The general provisions by which the leases are governed should apply and not the provisions of the Mysore Land Reforms Act. These people should be governed by the Transfer of Property Act. After the period of the expiry of the lease, they should get back their lands. They should have the right to enhance the rents or enter into fresh contracts if they wish. They should not be disabled from getting back their lands merely because Government have power to continue those lands to them and merely because Government wants to extend the period of duration of lease. Section 6 of the Mysore Land Reforms Act, which is as follows should not come in the way of termination of the lease :

> " No tenancy of any land shall be terminated merely on the ground that the period fixed for its duration whether by agreement or otherwise has expired. "

According to this Section, the continuance of the tenancy cannot be terminated. But Clause 3 of the amending Bill seeks to make good this lacuna. Therefore, I welcome the provisions of the amending Bill. Poor people gave their lands on lease with the intention of seeing that some good industry comes in their area. They leased their lands long back when the prices were very low. They have been deprived of their means of livelihood. So, if they intend to take back their land for personal cultivation, they should be permitted to resume their land. With these words, I welcome the provisions of the Bill.

Sri DIGAMBER RAO B. KALMANKAR.—Sir, I wish to point out only one technical point. I welcome this Bill. Clause 5 of the amending Bill is a new Clause. It is not mentioned where this Clause 5 has to be inserted. It is not known whether it has to be taken under Section 16 or 14 or will stand as an independent Clause by itself. That is the lacuna in this Bill. This provision relating to certificate issued by a Land Tribunal or a Munsiff exercising the powers and performing the duties and functions of a Land Tribunal in the Bombay area, is a new provision inserted in the Land Reforms Second Amendment Bill. Will this new Section be given a new number or will it be inserted after Clause 11 in Section 16 or is it to be incorporated in Section 14 ? It may be mentioned as Section 16A or it should be taken as Section 16 (12).

Mr. SPEAKER.—It is a sitting arrangement. It cannot be in suspended animation.

† Sri B. RACHAIAH.—I am really thankful to the hon. members who have taken part in the discussion on this amendment Bill. Most of the members have welcomed the provisions of this amending Bill, particularly clause 3 and clause 5. Certain apprehensions were expressed by Sri Bangarappa that Government is bringing amendments piecemeal and they are not keen in implementing the provisions of the Land Reforms Act. I am continuously associated with the land reforms, even at the time of piloting this Bill and referring to the Joint Select Committee, and I had some part to play in this regard. I take pride to say that I have done my best to see that the interest of the tenants is protected. Even here at the time of passing of the Land Reforms Act, the intention of the legislature was to see that whatever rights and privileges that accrued to the tenants under the different enactments under the Bombay Act or Hyderabad Act or old Mysere Tenancy Act, those rights and privileges will have to be protected. While implementing this enactment we found that certain Tribunals of the State have already under section 14 of the Land Reforms Act the landlords can resume the entire land up to the ceiling limit. In that event, it may so happen that most of the tenants who had a privilege and the right to continue in those lands might have been disturbed on account of these judgments. When the legislature wanted to protect the rights and privilegs of the tenants, the legislature can bring an amendment and nothing prevents their enacting this measure. It is with the intention to safeguard the interest of these tenants that section 3 and section 5 have been incorporated. After passing of this Bill, I am sure, that these relevant provisions will be numbered in the appropriate paragraphs.

There was some lacuna even under section 9 at the time of passing orders by the Tahsildar with regard to rental to be paid by the tenants to the landlord. There was no provision for making any appeal against the orders of the Tahsildar; his orders were final. It some times so happens that the Tahsildar would have either taken sides with either the landlord or the tenant. So, in fixing the average yield or rent some difficulty was felt in some parts of the State. Therefore, it is desirable to make a provision to appeal against the order of the Tahsildar and thus the provision has been made.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—5 ವರ್ಷಕ್ಕೆ ಒಂದು ಸಲ ಗೇಣಿಯನ್ನು ಅಳತೆ ಮಾಡಿ ಗೊತ್ತು ಮಾಡುವುದು ಎಂದು ಕಾನೂನಿನಲ್ಲಿ ಇದೆ, ಕಳೆದ ಎರಡು ವರ್ಷ ಮಳೆ ಬರದೇ ಇದ್ದಾಗ ಬೆಳೆ ಆಗದೇ ಇದ್ದಾಗ ಆ ಭಾಗದಲ್ಲಿ ಗೇಣಿಯನ್ನು ಮಾಫಿಮಾಡಿದ್ದೀರಾ ?

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—4 ಆಣೆ ಬೆಳೆಯಾಗಿರಲಿ, 8 ಆಣೆ ಬೆಳೆಯಾಗಿರಲಿ ಎಷ್ಟೇ ಬೆಳೆಯಾಗಿರಲಿ ಎಷ್ಟಾಗುತ್ತದೆ ಅಷ್ಟರಲ್ಲಿ ನಾಲ್ಕನೇ ಒಂದು ಭಾಗವನ್ನು ಕೊಡಬೇಕೆಂಬ ಇದೆ, ಯಾವ ರೀತಿ ರೆಂಟ್ ಗೊತ್ತು ಮಾಡಬೇಕೆನ್ನುವುದು ಲ್ಯಾಂಡ್ ರಿಫಾರಂಸ್ ಆಕ್ಟ್ 8ನೇ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಇದೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ನಾನು ಕೇಳಿದ್ದು 5 ವರ್ಷಕ್ಕೊಮ್ಮೆ ಅಳತೆ ಮಾಡಿ ಗೇಣಿ ಮನ್ನು ಗೊತ್ತು ಮಾಡಬೇಕೆಂದು ಇದೆ. ಹಳೇ ಮೈಸೂರು ಭಾಗದಲ್ಲಿ ಅದು ಜಾರಿಗೆ ಬರಲೇ ಇಲ್ಲ, ಯಾಕೆ ಹೊಗಿ ಬೆಳೆ ಆಗದೇ ಹೋದದ್ದರಿಂದ ಆ ಭಾಗದಲ್ಲಿ ಗೇಣಿದಾರರಿಗೆ ಗೇಣಿ ಮಾಫ್ ಮಾಡಿಸಿದ್ದೀರಾ ?

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—ಹಳ್ಳೇ ಆಕ್ಟ್ ಪ್ರಕಾರ ಪಹಣಿ ರೆಕ್ಕದ ಪ್ರಕಾರ ಎಷ್ಟು ಬೆಳೆಯಾಗುತ್ತದೆ ಎಂದು ಗೊತ್ತು ಮಾಡುತ್ತಾರೆ ಅಥವಾ ಕ್ಯಾಪ್‌ಕಟಿಂಗ್ ಎಕ್ಸ್‌ಪರಿಮೆಂಟ್ ಮಾಡಬೇಕು ; ಹಾಗೆ ಮಾಡುವುದರಿಂದ ಒಂದು ಎಕರೆಯಲ್ಲಿ ಎಷ್ಟು ಬೆಳೆಯಾಯಿತು ಎಂದು ಗೊತಾಗುತ್ತದೆ, ಹಳ್ಳೇ ಮೈಸೂರು ಭಾಗದಲ್ಲಿ ಕೆಲವು ಕಡೆ ಹೊಸ ಕಾಯಿದೆ ಪ್ರಕಾರ ಕ್ಯಾಪ್‌ಕಟಿಂಗ್ ಎಕ್ಸ್‌ಪರಿಮೆಂಟ್ ಮಾಡಬೇಕಾಗಿತ್ತು ಮಾಡಲಿಲ್ಲ. ಅದ್ದರಿಂದ ರೆಮಿಷನ್ ಕೊಡುವ ಕಾಲದಲ್ಲಿ ಯಾವ ರೀತಿ ಮಾಡ ಬೇಕೆಂದು ಕೆಲವಾರು ತಿದ್ದುಪಡಿಗಳನ್ನು ತಂದಿದ್ದೇವೆ. ಏನು ತೊಂದರೆಯಿತ್ತೋ ಅದನ್ನೆಲ್ಲಾ ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ರೇಟ್ ಗೊತ್ತು ಮಾಡಬೇಕೆಂದು ಮಾಡಿದ್ದೇವೆ ; ಆ ರೀತಿ ಬೆಳೆಯಾಗದೇ ಇರುವ ಕಡೆ ಗೇಣಿದಾರರಿಗೂ ಕೂಡ ರಿಯಾಯಿತಿ ಕೊಡುವುದಕ್ಕೆ, ರೆಮಿಷನ್ ಕೊಡುವುದಕ್ಕೆ ನಾವು ಇದರಲ್ಲಿ ಅನುಮೋದನೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಅದಕ್ಕೆ ಪ್ರೊವೈಡ್ ಮಾಡಿಲ್ಲ.

Sri B. RACHAIAH.—Sir, I have said enough and I request hon. members for giving their approval.

Mr. SPEAKER.—The question is :

"That the Mysore Land Reforms (Second Amendment) Bill, 1967, be taken into consideration."

The motion was adopted.

CLAUSES 2 TO 5.

Mr. SPEAKER.—The question is :

" That clauses 2 to 5 both inclusive stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 both inclussive were added to the Bill.

CLAUSE 1, TITLE AND PREAMBLE.

Mr. SPEAKER.—The question is :

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri B. RACHAIAH.—I beg to move :

"That the Mysore Land Reforms (Second Amendment) Bill, 1967, be passed."

Sri S. S. SHETTAR.—Mr. Speaker, Sir, on the 11th of March 1957 when Bombay Act of 1948 was suspended, a similar provision was inserted in the Act. At that time a similar restriction was put when section 31 of

(SRI S. S. SETTAR)

the 1948 Act was suspended. So, the landless faced similar hardship at that time though they had obtained judgement from the court; they were not able to implement them. They were ineffective. To-day, we are having similar bar that all disputes should be treated as pending. Again, similar hardship would be existing, I do not know whether the courts would be able to take this particular Act that is going to be passed as final. What worries me is whether the Acts that are going to be passed will have a finality, will have a final conclusion. Supposing the law courts are passing judgments thinking that this is the law of the day. Tomorrow, surprisingly, if that is not the position, again the policy as such is heavily affected.

My humble suggestion is that I may be permitted to read this particular original sentence which is now sought to be deleted by the Minister. The Bombay Tenancy and Agriculture Act of 1948 as in force in Bombay was to come into force on 1st November 1956. I want to know what is harmful in this particular sentence. Now the hon'ble minister wants to insert the words : in sections 31A, 31B and 31C of the Bombay Tenancy and Agricultural Lands Act, 1948, as inserted by the Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955 (Bombay Act 18 of 1956) notwithstanding the provisions of the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 13 of 1957)." I would ask what is the difference between this clause and that clause. He is seeking to delete one clause and insert another and practically the bar on the landlord to obtain agricultural land for his personal cultivation is same. Only some minor details are different. But for such minor details if the orders of the courts are sought, the society will think that there will not be any permanent structure and all the law courts will feel that something might happen and the judgements might be struck down. So the apprehension is, it is not a question of sympathising with the tenant or landlord but it is a question of sympathising with the administration of justice. It is nothing but interference in the administration of justice.

5-30 P.M.

MR. SPEAKER.—Several clauses have been put before the House. I do not know whether he can raise it now. I will put the motion to the vote.

The question is :

"That the Mysore Land Reforms (Second Amendment) Bill, 1967, be passed."

The motion was adopted.